

AMENDED IN SENATE JULY 14, 2008

AMENDED IN SENATE JUNE 30, 2008

AMENDED IN SENATE JUNE 23, 2008

AMENDED IN ASSEMBLY MAY 25, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 523

Introduced by Assembly Member De La Torre

February 21, 2007

An act to add Section 23394.7 to the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 523, as amended, De La Torre. Alcoholic beverage licenses: self-service checkouts.

The Alcoholic Beverage Control Act, administered by the Department of Alcoholic Beverage Control, regulates the sale and distribution of alcoholic beverages and the granting of licenses for the manufacture, distribution, and sale of alcoholic beverages within the state.

This bill would prohibit off-sale ~~general~~ licensees from selling distilled spirits using a self-service checkout system. This bill makes findings and declarations regarding the effects of allowing alcoholic beverages to be sold using self-service checkouts.

The Alcoholic Beverage Control Act provides that a violation of any of its provisions for which another penalty or punishment is not specifically provided is a misdemeanor. This bill would expand existing

crimes by imposing additional duties on a licensee under the act, thus, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that allowing
2 customers to purchase alcoholic beverages through self-service
3 checkouts:

- 4 (a) Facilitates the purchase of alcoholic beverages by minors.
- 5 (b) Permits customers who are in an advanced state of
6 intoxication to purchase additional alcoholic beverages, in violation
7 of state law.
- 8 (c) Allows for greater theft of alcoholic beverages, thereby
9 depriving the state of tax revenues.

10 SEC. 2. Section 23394.7 is added to the Business and
11 Professions Code, to read:

12 23394.7. (a) No privileges under an off-sale ~~general~~ license
13 shall be exercised by the licensee at any checkstand, where the
14 customer is able to scan and purchase alcoholic beverages using
15 a point-of-sale system with limited or no assistance from an
16 employee of the licensee.

17 (b) For purposes of this section, "point-of-sale" system means
18 any computer or electronic system used by a retail establishment
19 such as, but not limited to, Universal Product Code scanners, price
20 lookup codes, or an electronic price lookup system as a means for
21 determining the price of the item being purchased by a consumer.

22 SEC. 3. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

5 SEC. 4. This act is an urgency statute necessary for the
6 immediate preservation of the public peace, health, or safety within
7 the meaning of Article IV of the Constitution and shall go into
8 immediate effect. The facts constituting the necessity are:

9 In order to combat underage drinking at the earliest possible
10 time, it is necessary that this act take effect immediately.

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